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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,231

11/25/2003

Bradley R. Hammell

F-759

6693

7590

11/05/2007

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EXAMINER

OBEID, FAHD A

ART UNIT

PAPER NUMBER

4137

MAIL DATE

DELIVERY MODE

11/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,231

Applicant(s)

HAMMELL, BRADLEY R.

Examiner

Fahd A. Obeid

Art Unit

4137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/25/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/05/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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1.

DETAILED ACTION

Status of the Application

1. **Claims 1-16** are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claim 4 is rejected under 35 U.S.C. 101 because:**

As per claim 4, the limitation, "if the step of providing the pinpoint shipping status information to the computer is performed later than a certain time after the step of sending automatically the shipping pinpoint inquiry" as recited is an open-ended conditional statement. The use of open-ended conditional language would not render the entire claim useful, tangible or concrete. The language presented only makes allowances for when if the step of providing the pinpoint shipping status information to the computer is performed later than a certain time after the step of sending automatically the shipping pinpoint inquiry. There is no allowance made in the event the

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step of providing the pinpoint shipping status information is performed no later than a certain time after the step of sending automatically the shipping pinpoint inquiry.

Therefore, as the claim is currently presented, it could be possible that there would be no action by the program if the step of providing the pinpoint shipping status information is performed no later than a certain time after the step of sending automatically the shipping pinpoint inquiry. In this case, there would be no concrete, tangible or useful outcome in the case. Thus, the claim is directed to non-statutory material.

Double Patenting

4. Claims 1-16 of this application conflict with claims 1-16 of Application No. 2007/0168263. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "the shipping status inquiry". There is insufficient antecedent basis for this limitation in the claim.

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7. Claim 1 recites the limitation "the shipping status inquiry" is vague and indefinite. It is unclear whether this limitation refers to "shipping pinpoint inquiry" or other shipping status inquiry. Thus the limitation is not positively cited.

8. Claim 6 recites the limitation "the status of a shipment". There is insufficient antecedent basis for this limitation in the claim.

9. Claims 6 and 7 recite the limitation "status". There is insufficient antecedent basis for this limitation in the claim.

10. Claims 6 and 7 recite the limitation "status" is vague and indefinite. It is unclear whether this limitation refers to "the status of shipment" or other status inquiry. Thus the limitation is not positively cited.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-3 and 5-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US 2002/0032573).**

13. Regarding Claims 1, 7, and 13: Williams discloses a method for a user to find pinpoint status of a shipment being transported by a carrier, comprising the steps of:

- Clicking on a shipment pinpoint symbol on a computer screen (page 24 para 381-382).
- Connecting automatically to an Internet or private network, if a connection is not already established (fig 65, page 6 para 103, page 6 para 110, and claim 17).
- Sending automatically a shipping pinpoint inquiry to the carrier via the Internet or private network (page 3 para 25, page 5 para 90-92, page 5 para 91, page 6 para 110, and page 31 para 562-563).
- Requesting a pinpoint location of the shipment in response to the shipping status inquiry (fig 60 and fig 63).
- Receiving the requested pinpoint location of the shipment to the computer screen, wherein the pinpoint location identifies a position between checkpoints at each of which shipment presence is monitored regardless of user inquiries (fig 60 and fig 63).

14. Regarding Claims 2 and 14: Williams discloses a method of claim 1, wherein the shipment pinpoint symbol is an icon of a file, in a markup language, including a tracking code of the shipment (page 117).

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15. Regarding Claims 3 and 15: Williams discloses a method of claim 1, wherein the shipment pinpoint symbol is provided to the computer screen in conjunction with a shipment checkpoint symbol, and wherein the shipment checkpoint symbol is for obtaining information as to the presence of at least one of the checkpoints (figs 62-63).

16. Regarding Claims 5 and 16: Williams discloses a method of claim 1, wherein the position is separate from all of the checkpoints (fig 62 & 63).

17. Regarding Claim 6: Williams discloses a method for providing a user the status of a shipment being transported by a carrier, comprising the steps of:

- Processing a user transaction at a web site (page 101, page 110).
- Receiving a type of shipment selection (fig 41, page 101, page 110, and page 120).
- Creating a file that includes markup language and that includes at least one link to shipment tracking information (page 4 para 73, page 5 para 76, page 23 para 379, page 29 para 534, and pages 117-118).
- Providing the file to the user for storage locally at a user device (page 24 para 381-382, page 28 paras 495, 498, & para 501, and pages 117-118).
- Receiving a check status request from the file after the file is activated (page 28 paras 495, 498, & para 501 and page 29 para 534).
- Providing the status to the user (fig 60-62).

18. Regarding Claim 8: Williams discloses a method of claim 6, further comprising the steps of:

- Replacing or modifying the file to create an improved file (figs 59-60, page 8 para 143, page 30 paras 539-541, and page 30 para 544).
- Activating the improved file to check an additional status of an additional shipment being transported by an additional carrier (fig 63).

19. Regarding Claim 9: Williams discloses a method of claim 8, wherein the step of replacing or modifying the file is implemented at least partly by a program stored in the user device (page 30 paras 539-541, and page 30 para 544).

20. Regarding Claim 10: Williams discloses a method of claim 8, wherein the step of replacing or modifying the file is implemented at least partly by a third party (page 30 paras 539-541, and page 30 para 544).

21. Regarding Claim 11: Williams discloses a method of claim 8, wherein the step of replacing or modifying the file is implemented at least partly by the carrier or by the additional carrier (page 30 paras 539-541, and page 30 para 544).

22. Regarding Claim 12: Williams discloses a method of claim 6, wherein the shipment tracking information is for a plurality of shipments being transported by a plurality of carriers (fig 63).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US 2002/0032573) in view of an official notice.

25. Regarding Claims 4: Williams does not explicitly disclose a method of claim 1, wherein if the step of providing the pinpoint shipping status information to the computer screen is performed later than a certain time after the step of sending automatically the shipping pinpoint inquiry, due to a delay, then a user of the computer screen is compensated for the delay.

However, Examiner takes official notice that receiving credit or reimbursement for delayed service is old and well known in the art at the time the invention was made.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include reimbursement for delayed services in William's online shipping management enabled, for the advantage of customer satisfaction.

Citation Of Relevant Prior Art

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2. Reference (DHL Launches SMS, WAP Tracking Service) is cited to show a user can select the DHL Link, the DHL logo will appear and the services available.

3. Reference (DHL Airways) is cited to show how you can track your shipments directly from your E-mail.

4. Reference (DHL: Corporate – Package Tracking) is cited to show alternative ways to track your shipments such as "Bookmarkable Tracking Page" where you can bookmark the tracking page you originally visited, than you can anytime click on the bookmark tracking page to retrieve the updated information regarding the status of your shipment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahd A. Obeid whose telephone number is 571-270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahd Obeid
Patent Examiner


AKM ULLAH
SUPERVISORY PATENT EXAMINER